

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

UNITED STATES OF AMERICA,

v.

**DECISION AND ORDER**  
14-CR-79

ELIAS FIGUEROA,

Defendant.

---

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B) for pretrial proceedings. On August 22, 2014, defendant Elias Figueroa filed a motion to suppress evidence (Dkt. No. 23). Oral argument was held on October 8, 2014, and the defendant submitted a post hearing affidavit (Dkt. No. 39) on October 30, 2014. Magistrate Judge Schroeder filed a Report and Recommendation (Dkt. No. 50) on April 7, 2015 recommending that defendant Elias Figueroa's motion to suppress evidence (Dkt. No. 23) should be denied. No objections were filed within the deadline set forth in the Report and Recommendation.

The Court has carefully reviewed the Report and Recommendation, the records in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion to suppress evidence is denied.

**IT IS SO ORDERED.**

*Richard J. Arcara*

---

HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: May 1, 2015